

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS McDANIEL.

Petitioner,

V.

STATE OF WASHINGTON,

Respondent.

CASE NO. C14-5289 RBL-JRC

ORDER THAT PETITIONER FILE A
MOTION TO CHANGE THE CASE
CAPTION AND NAME A PROPER
RESPONDENT

The District Court referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction pursuant to 28 U.S.C. 2254.

Petitioner has named only the State of Washington as respondent. Petitioner needs to name a natural person -- not a governmental entity. The proper respondent is the person having custody of petitioner. *See* 28 U.S.C. § 2242. This person is usually the superintendent of the facility in which petitioner is incarcerated. Petitioner's failure to name the correct party deprives

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1 this Court of personal jurisdiction. *See Stanley v. California Supreme Court*, 21 F.3d 359, 360
2 (9th Cir. 1994).

3 Petitioner is ordered to file a motion asking the Court to change the case caption and
4 name the proper respondent. Petitioner's motion must be filed on or before June 13, 2014.

5 Dated this 24th day of April, 2014.

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J. Richard Creatura
United States Magistrate Judge